22.

AN ANTIDOTE AGAINST POISON:

Composed of some Remarks upon the Paper printed by the direction of the Lady *Russel*, and mentioned to have been delivered by the Lord *Russel* to the Sheriffs at the place of his Execution.

THE Publishing of this Paper as the last Speech of a Dying Man, cannot but surprise all Persons who were present at the Trial of the Lord *Russel*, to read such Reflections upon the Judges, the Kings Council, the Sheriffs, and the Jury; the Fact so untruly represented, and the Offenders Innocence so strongly asserted, when they can all attest to the fairness of his Trial; the respectful Treating of him by the Kings Council, as far as was consistent with their Duty, without any strains upon the Evidence, to the favourable Demeanor of the Court towards him, not in the least aggravating the Crime beyond the Evidence, and to the fulness of the Evidence upon the Proofs produced; And therefore those who heard the Evidence, must acknowledg, that that Paper is so far from containing the *whole truth* of the Lord *Russel*'s Case, that what of Fact is therein inserted, is wholly disguised, and untruly and unfaithfully set down. Neither doth the Lord *Russel*, in his Speech to the Sheriffs, aver all contained in that Paper to be true, nor the Paper to contain the *whole truth* of his Case, only saith he had set down in that Paper, all that he *thought fit to leave behind* him. No doubt he might have as well said, *All that his faithful Confessor advised him to leave behind him.*

For whosoever strictly peruseth the Paper, will not find the Ingenuity, Sincerity, or plain style of a Dying Gentleman, but may discover the peculiar Dialect of an Artist, accustomed to shadow Truth with doubtful and ambiguous Expressions; and the Paper artificially contrived and designed, to gratifie a Party, by a colourable asserting the innocency of the Criminal, Condemned by the Law for High Treason; and laying a Malitious Imputation upon the Government, for an unjust Prosecution of an Innocent Person to Death.

Whether the Paper doth truly state the Crime, upon the Fact proved, for which the Lord *Russel* was Condemned?

And whether it contain any plain denial of that Fact? will best appear by truly stating the Crime charged upon him by the Indictment, and the Fact proved upon him at his Trial.

The Lord *Russel* with others are charged by the Indictment with High Treason for Conspiring, Compassing and Imagining the Death and Destruction of the King, and raising of a Rebellion within the Kingdom.

And the Overt Acts wherewith they are charged, are their Meeting together, consulting and agreeing to raise an Insurrection and Rebellion, and to seize upon the Kings Guards.

At the Trial Colonel *Rumsey* did swear that there was a General Rising intended in *October* and *November* last, and that he was engaged therein. And that the Earl of *Shaftsbury*, who was likewise engaged therein, in *November* last acquainted him, that the

Duke of *Monmouth*, the Lord *Gray*, Lord *Ruſſel*, Sir *Thomas Armſtrong*, and Mr. *Ferguſon* were to meet at Mr. *Shepherds* houſe in *Abchurch Lane*, and ſent him thither with a Meſſage to them; that accordingly he went thither, and found the Lord *Ruſſel* and the reſt there, and delivered to them the Meſſage from the Earl of *Shaftsbury*; which was, that it was high time to come to ſome Reſolution about the Riſing: That anſwer was returned, that Mr. *Trenchard* had aſſured them that in four hours time one Thouſand Foot, and two or three Hundred Horſe ſhould be ready at *Taunton*. But now Mr. *Trenchard* required two or three days notice of the Riſing, and therefore they could not go on at preſent; and that my Lord *Shaftsbury* muſt be contented.

He ſaid the Anſwer was pronounced by Mr. *Ferguſon*, and the Lord *Grey* ſpoke to to the ſame purpoſe. And being interrogated whether the Lord *Ruſſel* were ſo near as to hear the Meſſage, he ſaid he was ſo near, and could not but hear it. And being asked by the Lord *Ruſſel*, whether he conſented to the Anſwer, he declared upon his Oath, that the Lord *Ruſſel* did conſent. And that they then treated and conſulted of the General Riſing. And both Colonel *Rumſey* and Mr. *Shepherd* did ſwear, That the L. *Ruſſel* and the reſt did conſult at Mr. *Shepherds* about ſeizing of the Kings Guards. And having at a former Meeting appointed ſome of their Number, *viz.* the Duke of *Monmouth*, Lord *Grey*, and Sir *Thomas Armſtrong*, to view in what poſture the Guards were, they made Report to the reſt there, they found them very remiſs in their Duties, and might be eaſily ſeized. Mr. *Shepherd* ſwore that their meeting at his houſe was not caſual but appointed by themſelves, and that they came late in the Evening, and that my Lord *Ruſſel* mentioned not any private Buſineſs to him; neither had he then any private Buſineſs with the Lord *Ruſſel*. But the Lord *Ruſſel* pretending he came to taſte ſome Sherry which he had beſpoke of Mr. *Shepherd*, Mr. *Shepherd* denied upon his Oath, that the Lord *Ruſſel* had beſpoke any Sherry of him, or mentioned any ſuch thing then to him.

The Lord *Howard* gave in Evidence upon his Oath, that there was a deſign of a General Riſing, both in *October* and *November* laſt: and that the Earl of *Shaftsbury* then acquainted him, he had Ten thouſand brisk Boys ready. And after the Departure of the Earl of *Shaftsbury*, it was thought neceſſary, for the preventing of Confuſion, and more orderly managing of the Riſing, that a ſelect Council ſhould be held for that purpoſe: And accordingly the Duke of *Monmouth*, the Earl of *Eſſex*, the Lord *Ruſſel*, Colonel *Sidney*, Mr. *Hambden* junior, and himſelf, met in *January* laſt at Mr. *Hambdens* Houſe in *Ruſſel ſtreet*, and debated certain Preliminaries to the Riſing. Amongſt others, Whether the Riſing ſhould be in *London* firſt, or in the Country firſt, or in both at once; and the major opinion inclined to have the Riſing both in *London* and the Country at one time. That ſoon after they held a ſecond Meeting at the Lord *Ruſſels* houſe; where all the laſt mentioned Perſons were preſent, and where they again debated of the Riſing, and then came to this reſolution, That ſome Perſon ſhould be ſent into *Scotland* to invite ſome Perſons thence, from the diſcontented *Scots* to treat with them, That they might be aſſured of what Aſſiſtance they might expect from the *Scots*. That that matter was committed by them to the ſpecial Care and Conduct of Colonel *Sidney*. And that Colonel *Sidney* acquainted him he had ſent *Aaron Smith* into *Scotland* accordingly; and that he had given him threeſcore Guineys to defray the charges of his Journey.

The Lord *Howard* interrogated by the Lord *Ruſſel*, whether he ſaid any thing in thoſe Debates, declared upon his Oath that though his Lordſhip never uſed to ſpeak much, yet he did ſpeak in thoſe debates, and conſented to what was done.

This was the ſubſtance of the Evidence, though delivered by the Witneſſes more at large, as will appear by their Depoſitions when they are printed with the Trial. A clearer Evidence to prove the Facts charged of Meeting and Conſulting to raiſe a Rebellion within the Kingdom, and to ſeize the Kings Guards, I believe the moſt experienced Perſon in the Laws can never ſhew was ever produced at the Trial of any Traitor. To the greateſt and ſtrongeſt part of the Evidence, which is that of the Lord *Howard*, and ſo much of Colonel *Rumſeys* which relates to the General Riſing, of which the Witneſſes make full proof, the Paper gives *no anſwer at all*. With what confidence then can the Author of that Paper introduce a dying man, aſſerting his own Innocence, and charging the Jury with forwardneſs and injuſtice, when the Criminal *cannot deny* the Facts upon which the Jury gave their Verdict. But theſe Facts, whether true or falſe, the Criminal would not examine. And if he could not, or would not aſſert them to be falſe, no man of any common Ingenuity can doubt them

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to be true, when ſworn by credible Witneſſes, and found by a ſubſtantial Jury. Yet to ſatisfie the Conſcience of a dying Man, and to cover the Scandal of ſo great a Crime from vulgar or partial Eyes, theſe Conſultations and Conſpiracies to raiſe a Rebellion, and foment a General Riſing, are repreſented to the People onely as ſome Diſcourſes about ſome *Stirs*. They may be in *Scotland* ſome Stirs, but in *England* they are and ever were ſtiled Rebellion.

As to the other Branch of the Overt Acts of Conſulting to ſeize the Guards, which the Paper makes the onely Crime for which the Lord *Ruſſel* was condemned; this account is given by the Paper, That the Lord *Ruſſel* was at Mr. *Shepherds* houſe with that Company but once, and there was no Undertaking then of ſecuring and ſeizing the Guards, nor none appointed to view or examine them: ſome diſcourſe there was of the feaſibleneſs of it, and ſeveral times by accident in general diſcourſe elſewhere.

This account which the Lord *Ruſſel* gives of this matter, is rather a Confirmation of the Teſtimonies of Colonel *Rumſey* and Mr. *Shepherd* than an avoidance thereof. He admits the feaſibleneſs thereof was then diſcourſed of, and at other times likewiſe. They ſwore that the Perſons appointed to view the Guards, reported then they found them to be very remiſs in their Duties, and might be eaſily ſeized. The Lord *Ruſſel* remembers he was at Mr. *Shepherds* houſe but once, *Shepherd* ſwore he was there with that Company twice, and at the laſt time the Report was made after viewing of the Guards.

The ſeizing of the Guards was not the onely nor principal Fact upon which the Lord *Ruſſel* was condemned, as appears by the Proof ſtated; but it was one of the Inſtances to make out againſt him the general deſign of raiſing a Rebellion, as one of the propereſt ways to ſecure the general Riſing, and was ſufficiently proved by two Witneſſes to have been conſulted upon to that purpoſe.

Indeed to what other purpoſe can any man imagine the Lord *Ruſſel* and his Accomplices, who appeared to have been engaged in a Deſign of a General Inſurrection, upon ſuch proof as the Criminal could not deny the Fact, ſhould ſo often diſcourſe of the feaſibleneſs of ſecuring the Guards, as is confeſſed by the Lord *Ruſſel*, than in order to facilitate and ſecure their deſign of the General Riſing? And the Diſcourſe the Paper owns to have been at the Lord *Shaftsburies* touching the ſame matter, who throughout appears to be a principal Agent in the Deſign of the General Riſing, proves the ſeizing of the Guards to be part of that Deſign. And though the Lord *Ruſſel* then expreſſed a tenderneſs of ſhedding cold bloud, as a thing deteſtable, and ſo like a Popiſh practice; yet that Deluge of Bloud which muſt neceſſarily have inſued in the heats of a General Riſing, which is evident he purſued to his laſt, did not at all affect him, becauſe this might become any Heroick Chriſtian drawn in Armour by the Penſil of the Author of *Julian*: and is not unlike to the practices of the ancient Chriſtians, ſo ſhamefully diſguiſed by the ſame Author.

If then the Facts whereof the Lord *Ruſſel* was found guilty by the Jury upon ſuch pregnant proof be ſo evident, how is it poſſible for a dying man before God and men to aſſert his Innocency with ſuch aſſurance, and ſo frequently repeated in his Speech to the Sheriff, though ſhort, yet twice repeated; 1. *God knows how far I was always from deſigns againſt the Kings Perſon, or of altering the Government.* 2. *I profeſs I know of no Plot, either againſt the Kings Life, or the Government.*

In the Paper delivered, it is thus expreſſed; *Whatever apprehenſions I had of Popery, and of my own ſevere and heavy ſhare I was like to have under it, when it ſhould prevail, I never had a thought of doing any thing againſt it, baſely or inhumanely, but what could conſiſt with the Chriſtian Religion, and the Laws and Liberties of this Kingdom.* Again, *I have always loved my Country much more than my Life, and never had any deſign of changing the Government, and would have ſuffered any extremity, rather than have conſented to any Deſign to take away the Kings Life.* In another place he thanks God his part was ſincere and well meant, and affirms his Crime to be but Miſpriſion of Treaſon at moſt; and Infers, ſo *I die innocent of the Crime I ſtand condemned for*; alſo he ſaith, *I know I was guilty of no Treaſon.* In the laſt place he concludes, *As I never had any deſign againſt the Kings Life, or the Life of any man whatſoever, ſo I never was in any Contrivance of altering the Government.*

Half an eye may ſee their ſtrokes are all drawn by the ſame hand with all imaginable Skill, to quiet the Conſcience of a dying Criminal, and at the ſame time by caſting a miſt before the eyes of the unthinking Multitude, to poſſeſs them with the Innocence of the condemned Perſon and the cruelty of the Government towards him.

Let it be conſidered with what careful Reſtrictions and Limitations his Innocency is uſher'd in: That he knew of no Plot or deſign againſt the Perſon of the King, or to Kill the King, or to alter or change the Government; That he never had a thought of doing any thing baſely or inhumanly, but what could conſiſt with the Chriſtian Religion, and the Laws and Liberties of this Kingdom; That his Crime was but Miſpriſion of Treaſon at moſt, and ſo he is innocent of the Crime he ſtands Condemned for. What need of all theſe cautions, reſtrictions and evaſive circumlocutions to a plain man at the hour of his Death to expreſs his Innocency by? If it had been real, a few plain words would have done it better. *viz.* That he was not ingaged in nor knew of any deſign of making an Inſurrection or Rebellion within the Kingdom. He heard the proof made and knew that was the Crime laid to his charge, which is High Treaſon both at Common Law and within the firſt branch of 25. *Ed.* 3. But that was too clear a matter for a dying Man plainly to deny; his Conſcience muſt have controled him.

And to let every Man underſtand the Subtilty of that paper in declaration of the Lord *Ruſſel*'s innocence with ſuch reſtrictions: It is neceſſary to be known that there were two parts in this horrid Deſign, one was a general Riſing managed by a ſelect Council, wherein the Conſpirators according to their different Principles had their different ends, ſome were for a Common Wealth, though the fewer in number; others were for continuing the Monarchy and Government, but, with excluſion of his Royal Highneſs. Of this later ſort were the Duke of *Monmouth*, and the Lord *Ruſſel*, who plainly ſets down in the Paper the Duke of *Monmouths* opinion of him, that they were both of a temper. And the Lord *Ruſſel* gives his opinion of himſelf, that *his earneſtneſs in the matter of the Bill of Excluſion, had no ſmall influence in his preſent ſufferings*: though ſpoken by him with great reflection upon the Government, yet it truly ſeems to have been the natural cauſe of thoſe Extravagancies he was led into; his zeal in that matter tranſporting him to ſeek that by force, which the King had before denied in a courſe of Parliament.

The other part of the Plot was downright aſſaſſinating of the King and the Duke of *York*; this was managed by a Council of Ruffians, who according to their principles, judged this the moſt expeditious and ſafeſt way to ſecure the General Riſing, and render it more effectual. This was made out beyond all peradventure by many Witneſſes at the Trials of Captain *Walcot* and *Hone*, the latter whereof, beſides the proofs againſt him, confeſſed himſelf to be one of the Number who had ingaged themſelves to kill the King. For this latter horrid Fact of Killing and Aſſaſſinating, the Lord *Ruſſel* was not accuſed thereof, nor any proof offered to make it out.

And therefore his frequent profeſſions of his innocency as to any Plot or Deſign upon the Kings Life, or to Kill the King, or his knowing any thing thereof, and of his abhorrence thereof as an inhumane, baſe, vile, and barbarous Act, which Epithites the Paper gives to that foul Fact, are no plain declarations of his innocence as to the Crime charged and proved upon him, of Conſpiring and Conſulting to raiſe an Inſurrection within the Kingdom.

And 'tis evident by the Lord *Ruſſel*'s reſtaining the expreſſion of his Innocency to the deſign upon the King's Life, and to killing of the King, and omitting to mention the general Riſing, which was fully proved upon him; that the Lord *Ruſſel* intended only that Crime for which *Hone*, and *Walcot* were condemned of Aſſaſſinating the King.

The other reſtriction of his Innocency, as to any deſign for Alteration, or Change of the Government, which he eſteemed the beſt in the World; which amounts to no more then that he had no deſign himſelf, nor knew of any to throw off Monarchy, and to introduce a Commonwealth; which was never charged upon him, and may eaſily be preſumed to be ſuch a Government, as was no ways agreeable to his height of Spirit.

But this is no denial of his being ingaged in any deſign to make an Inſurrection, though his end in ſuch Inſurrection were far ſhort of Killing of the King, or Changing the Monarchy.

Let it be ſuppoſed to be only to overawe the King, that a Parliament might ſit to paſs the Bill of Excluſion, and other Bills, for the ſecurity of the Proteſtant Religion, or other ſpecious pretence whatſoever; which is the beſt Conſtruction can be put upon the Lord *Ruſſel*'s Caſe.

That he had a part in the Inſurrection, is evidently proved, and not denied by him:

him: But he ſaith his part was ſincere, and well-meant. What that ſincere meaning was, he doth not plainly tell us; which becomes a Dying Man to do: But leaves us to conjecture from the other parts of the ſame Paper, what his ſincere purpoſes were. His zeal for the Bill of Excluſion, and Deteſtation of Popery, which accompanied him to his Death, argue his ſincere intention in the Riſing, to be ſomething that was for the promoting of the Bill of Excluſion, and the utter Extirpation of Popery. Yet he profeſſeth, that notwithſtanding all his zeal againſt Popery, that he never had a thought of doing any thing againſt it Baſely, or Inhumanly, but what would well conſiſt with the Chriſtian Religion, and the Laws and Liberties of this Kingdom.

This again renders the matter difficult, to gueſs at his ſincere meaning in the Deſign. But the Compiler of the Speech, hath ſo ordered the Compoſition of the Sentences by the diſcretive Particle *But*, that room is left for the Dying Perſon, to intend nothing to be inconſiſtent with the Chriſtian Religion, and the Laws and Liberties of this Kingdom, but what was baſe and inhumane, as the Aſſaſſination of the King and Duke is judg'd to be; and that an Inſurrection only to compel the King to paſs ſuch Bills, as his Proteſtant Subjects conceived neceſſary for the Preſervation of their Religion, was no baſe and inhumane thing, and therefore not inconſiſtent with the Chriſtian Religion, but for the ſupport of it; nor with the Laws and Liberties of the Kingdom, which allow in the opinion of too many, both more antient and modern Fomenters of Rebellion againſt Princes, a Liberty in the People to acquire that which they apprehend to be their Right, and for their Preſervation, by force, which they cannot obtain from their Princes by fair means, upon the account of a Supream Law for preſervation of themſelves, and their Religion, inherent to all Governments.

To this purpoſe was prepared and publiſhed that venomous Book of *Julian*, ſo much hugged and applauded by the Conſpirators, as a fit Plaiſter compoſed of Antient Chriſtian Practices, for ſuch Conſciences who might entertain the leaſt ſcruple againſt Infamous Libelling of their Prince, or uſing any Force or Coerſion upon the Government. To the ſame purpoſe have been Printed, and Reprinted of late, divers Seditious Books and Pamphlets; and another was preparing for the Preſs, by one of the Conſpirators: *To aſſert a Supremacy in the People, to determine for themſelves, againſt their Prince.*

The Northern Climate hath of late furniſhed us both with Doctrines and Examples of the ſame Batch. The Compiler of the Speech, was without queſtion acquainted, if not infected with thoſe Doctrines, Tenets, and Examples, and therefore may be preſumed to lie under that great Deluſion, that it was lawful for Subjects to procure from their Princes by force, whatever they judg'd neceſſary for the preſervation of their Civil, or Religious Rights; ſo in the doing thereof, their parts were ſincere and well meant.

When nothing is clearer by the Laws of this Kingdom, than that to raiſe a Rebellion, or make an Inſurrection, be the deſign or intent thereof never ſo ſpeciouſly good, is High Treaſon: And it is apparent, that the Lord *Ruſſel*, or the Author of that Paper, was miſguided in two principal and plain Points of Law.

Firſt, That Meeting and Conſulting to make an Inſurrection, and in order thereunto to Sieze upon the King's Guards, which the Paper calls Stirs, is not Treaſon within the Statute of *Edward* 3.

Secondly, That the Lord *Ruſſel*'s being preſent at the ſeveral Conſults for managing the Inſurrection, and his part therein amounted only to Miſpriſion of Treaſon, and ſo concludes himſelf innocent of the Crime he ſtood Condemned for, which was High Treaſon, for compaſſing the Death and Deſtruction of the King, by Conſpiring to raiſe a Rebellion within the Kingdom.

Theſe miſtakes of the plaineſt Points in Law, are the only ſupports of the Lord *Ruſſel*'s Innocency, whereby he comforted himſelf at his Death, and may miſlead others into the ſame Ruin.

To prevent which, it is conceived ſeaſonable upon this occaſion, to ſtate clearly what the Law of the Land is upon thoſe Points, to the common underſtanding of every Subject.

As to the firſt Point, The Meeting and Conſulting to make an Inſurrection againſt the King, or raiſe a Rebellion within the Kingdom, be the end thereof never ſo ſpecious for Publick Good, though the Rebellion be not actually raiſed, is High

Treaſon by the Laws of this Land. It was ſo at Common Law, by the conſent of all the Books of Law that Treat of that Matter, and no one Authority againſt it. It is ſo ſince the Statute 25. *Edw.* 3. *Cap.* 2. within the firſt Branch of that Law againſt Compaſſing and Imagining the Death of the King. The Death of the King in that Law, is not reſtrained to killing of his Natural Perſon, but extends as well to Civil Death as Natural. To Conſpire to Depoſe the King, is equally High Treaſon with that of Killing the King: So for Impriſoning of the King, or ſeiſing or taking of him into the power of his Subjects, or for laying any Force or Reſtraint upon him, until he do what his Subjects would have him. Theſe are all High Treaſon, for compaſſing his Death, either Natural or Civil; and all Overt-Acts, which declare the intent of effecting any of theſe Crimes, as all Meetings, Conſultations, and Agreements to riſe in Rebellion, and to ſeiſe upon the King's Guards, which are his defence againſt Force, and invite the aid and aſſiſtance of the King's Subjects of any other of his Kingdoms, plainly are Overt-Acts, of compaſſing the King's Death; and ſo have been adjudged in all Times, when ever ſuch Caſe came into Judgment.

In the 2. and 3. *Phil.* and *Mar.* one *Conſtable* diſperſed divers Bills in the Night about the Streets, in which was written, *That King* Edward *the* 6. *was alive and in France*; and at another time, in *Colemanſtreet*, pointed to a young Man, and ſaid, *He was King* Edward 6.

Theſe things tending only to Depoſe the Queen, were adjudged High Treaſon, for compaſſing her Death; and *Conſtable* was thereupon Indicted, Attainted, and Executed. The Caſe is cited in *Calvins* Caſe, *Co.* 7. *Rep. Fol.* 106. 13. *Eliz. Dyer*, 298. Doctor *Story* practiſed with the Governour of *Flanders*, to Invade the Realm with Force, and declared by what means, and in what manner and place the Invaſion might be: No Invaſion following, it was referr'd to all the Judges, to conſider what Crime it was, who reſolv'd it to be High Treaſon; Becauſe an Invaſion with Power, could not be, but of neceſſity it muſt tend to the Deſtruction, or great Peril of the Queen.

1. *Jac.* The Lord *Cobham* Conſpired with Sir *Walter Raleigh*, and other the Kings Subjects, to make an Inſurrection within the Realm, in order to ſet up the Lady *Arabella Steward* to be Queen: And to this purpoſe, Treated with the Embaſſador of the Arch-Duke of *Auſtria*, for procuring Money from the King of *Spain*, and perſuaded the Lady *Arabella* to write Letters to the King of *Spain*, for his aſſiſtance with Forces, and Letters ſent accordingly; though the Inſurrection did not follow, but a Diſcovery made before it was put in execution. The Lord *Cobham*, and others of the Conſpirators, were Indicted of High Treaſon, for Compaſſing the Kings Death, and the ſeveral Meetings and Conſultations for making the Inſurrection, and procuring the Invaſion laid in the Indictment. The Lord *Cobham* was Tried by his Peers, Attainted, and Executed. The Lord *Hale*, in his Pleas of the Crown 13. takes notice only of the Overt-Act of writing the Letters to a Foraign Prince, inciting an Invaſion, which he allows to be a ſufficient Overt-Act of that Treaſon which was laid in the Indictment, for Compaſſing the Death of the King.

In the ſame Year of 1. *Jac.* the Lord *Grey*, and other Conſpirators, met and conſulted to make an Inſurrection, whereby they deſigned to ſeiſe the King into their power, until he ſhould grant them a Pardon for all Treaſons, a Toleration of the exerciſe of the Popiſh Religion, and the removal of Twelve of the Privy Council, and ſhould make the Lord *Grey* Maſter of his Horſe; and ſeveral others of the Conſpirators, Lord Treaſurer, Lord Privy Seal, and other great Officers.

They were Indicted for Compaſſing the King's Death, and raiſing a Rebellion within the Kingdom, and no other Overt-Acts laid in the Indictment, but ſeveral Meetings, Conſultations, and Agreements between the Confederates, to raiſe a Rebellion for the purpoſes aforeſaid.

The Lord *Grey* was tried by his Peers, and had Judgment to be Drawn, Hanged and Quattered.

In Sir *Henry Vanes* Caſe, Meeting and conſulting about Treaſon, were held ſufficient Overt Acts.

In *Plunkets* Caſe lately in the Kings Bench; the Indictment was for High Treaſon, in compaſſing the death of the King; the Overt Acts alleged againſt him were Conſulting to raiſe an Inſurrection in *Ireland*, and bringing of the *French* into *Ireland*, and Collecting money in *Ireland*, and holding Correſpondencies in *France* for that purpoſe. There was no proof of any deſign upon the Kings natural Perſon, which was in *England*;

yet

yet he was attainted, and executed for High Treaſon, though no Inſurrection or Invaſion followed; ſo that there can be no Queſtion at this time of day, but that Meeting and Conſulting to raiſe a Rebellion; though it be not an actual levying of War within another Branch of the Statute of 25 *Edw.* 3. yet they are Overt Acts of Compaſſing the Kings Death, within the firſt branch of that Statute.

The other groſs Miſtake is, that the Lord *Ruſſels* Crime was onely Miſpriſion of High Treaſon.

Miſpriſion of High Treaſon is the Concealment thereof by a perſon who had a bare knowledge of the Treaſon, without any mixture of his conſent. But if the perſon be preſent at the Debates and Conſultations, though he ſay nothing, if he do not immediately reveal, but continues to meet and be preſent at their Debates, he is a principal Traitour. Where a Perſon was not preſent at the Debates and Reſolves, but is afterwards acquainted with them, and give his Conſent thereto, it is High Treaſon, and not a Miſpriſion barely.

This was the Caſe of *George Brooke*, to whom the Lord *Cobham* related the whole Conſpiracy of ſetting up the Lady *Arabella*, who conſented to the ſame, and was Indicted and attainted as a principal Traitour in that Conſpiracy. Now the Lord *Ruſſel*, as he puts his own Caſe of being preſent at ſeveral Meetings where ſeizing of the Guards were treated of, and horrid things ſpoken, argues himſelf guilty of High Treaſon, though he make a falſe Concluſion from thoſe Premiſſes that 'twas but Miſpriſion. But the Witneſſes proving his frequent Meetings and Conſults, and the laſt of them at his own houſe, and his expreſs conſent to the Matters debated and agreed upon, do put it beyond a Queſtion to any man that deſires not to be wilfully deceived, that the Crime of the Lord *Ruſſel* was not a bare Miſpriſion of Treaſon, but High Treaſon in the higheſt degree, being to raiſe a Rebellion againſt the King, the Conſequence whereof, in all probability, would have been the deſtruction of the King, and ſubverſion of the Government, if not the deſolation of the whole Kingdom.

If after this plain Accompt of the Lord *Ruſſels* Caſe, any perſons be ſo hardy to think the Compiler of that Paper of greater skill in the Laws of the Land than the Reverend and Learned Judges, who have judged his Crime to be High Treaſon, the utmoſt comfort he can expect for his being deceived, is, that he ſhall have the like comfortable Speech prepared for him upon the like occaſion.

FINIS.

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